

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 24297 of 2006(P)

PETITIONER:

DANDAPANI CHETTIAR,
S/O. VENKITAN CHETTIAR, 'SUMANGALI'
VANIYAMKULAM, PALAKKAD DISTRICT.

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS:

1. THE ARBITRATOR/SPECIAL SALE OFFICER
OTTAPALAM CO-OPERATIVE URBAN BANK LTD.,
OFFICE OF THE ASSISTANT REGISTRAR GENERAL,
OTTAPALAM.
2. GENERAL MANAGER, THE OTTAPALAM
CO-OP.URBAN BANK LTD.NO.1647.
P.O. OTTAPALAM.
3. ASSISTANT REGISTRAR (GENERAL)
OF CO-OPERATIVE SOCIETIES, OTTAPALAM.

BY ADV. SRI.M.V.BOSE
GOVERNMENT PLEADER, SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXTS:-

- EXT.P1 TRUE COPY OF THE AWARD PASSED BY THE FIRST RESPONDENT IN ARC
 NO.2197/03 DT.29/07/2003
- EXT.P2 TRUE COPY OF JUDGMENT DT.29/11/2005 IN R.P.NO.33/2004
- EXT.P3 TRUE COPY CIRCULAR NO.41/01 DT.29/11/2001 ISSUED BY THE
 REGISTRAR OF CO-OPERATIVE SOCIETIES
- EXT.P4 TRUE COPY OF THE CIRCULAR NO.9/06
- EXT.P5 TRUE COPY OF JUDGMENT DT.8.6.06 IN WP(C) NO.7903/06 OF THIS
 HON'BLE COURT
- EXT.P6 TRUE COPY OF THE APPLICATION SENT BY THE PETITIONER TO THE 2ND
 RESPONDENT ON 12.06.06 WITH ACKNOWLEDGE CARD
- EXT.P7 TRUE COPY OF THE LETTER DATED 02.8.06 RECEIVED BY THE
 PETITIONER FROM THE 2ND RESPONDENT.

\\TRUE COPY //

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C) No. 24297 of 2006 (P)

Dated this the 15th day of December, 2006

J U D G M E N T

The prayer of the writ petitioner is to quash Exhibit P7, through which the second respondent bank, declined to extend an one time settlement facility, prayed for by the writ petitioner, to clear the debt, due to the second respondent bank. A perusal of Exhibit P7 shows that such refusal took place on the plea that the loan availed by the writ petitioner was 'Business Cash Credit loan' and, therefore, the benefits that are due to Agricultural loans, shall not be extended to such cash credit loans.

2. The counsel has produced Circular No.41/2001, dated 29/11/2001. The Registrar has extended the one time settlement scheme to the Co-operative Urban Banks, as well. Further, the said Circular also states that all the debts due to the Urban Co-operative Banks, which are due after 31/03/2001, shall be considered for the one time settlement scheme, as that of any Agricultural loans.

3. I heard the learned Senior Government Pleader. The learned Senior Government Pleader conceded the position of procedure as directed through Circular No.41/2001.

4. In the above facts situation, I set aside Exhibit P7 letter dated 02/08/2006 of the second respondent and direct the writ petitioner to approach the second respondent with an one time settlement request, which shall be filed within 10 days from today. On receipt of the said representation, the second respondent shall consider the same and pass orders on merit, within three weeks thereon, extending all the facilities of one time settlement, under the scheme, available to the Urban Co-operative Banks as well.

5. There shall be no coercive action against the writ petitioner, till such disposal.

This writ petition is closed as above.

(J.M.JAMES)
Judge

ms